

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:19-CR-65-TAV-DCP-1
)	
DAMION E. KNOX,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Judge, as may be appropriate. Presently before the Court is defense counsel's Motion to Withdraw as Attorney [Doc. 321], filed on November 19, 2019. On December 5, 2019, the parties appeared before the Court for a motion hearing. Assistant United States Attorney Brent Jones was present representing the Government. Attorney Ursula Bailey was present representing the Defendant, who was also present. Attorney Casey Sears was also present.

In the Motion to Withdraw [Doc. 321], Attorney Bailey states that the attorney-client relationship between she and Defendant Knox is irrevocably broken, and Defendant has no confidence in her representation. The Court conducted a sealed, *ex parte* hearing with Defendant Knox and Attorney Bailey to learn the nature and extent of the problems with the attorney-client relationship. Based upon the representations of Attorney Bailey and the Defendant during the sealed portion of the hearing, the Court finds that the trust necessary for the attorney-client relationship is irretrievably broken and the ability to communicate is significantly eroded.

Accordingly, the Court finds that good cause exists to grant the request for substitution of counsel. *See Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir. 1985) (holding that a defendant seeking to substitute counsel must show good cause).

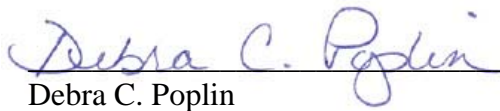
Therefore, Defendant's Motion to Withdraw [Doc. 321] is **GRANTED**, and Attorney Bailey is **RELIEVED** as counsel of record for Defendant. At the end of the hearing, Attorney Sears agreed to accept representation of the Defendant if the present motion was granted. The Court therefore and hereby **SUBSTITUTES and APPOINTS** Attorney Sears under the Criminal Justice Act, 18 U.S.C. § 3006A, as counsel of record for the Defendant. Attorney Bailey and the Government are **DIRECTED** to turn over all discovery and the Defendant's file to Attorney Sears.

Accordingly, it is **ORDERED**:

- (1) Defendant's Motion to Withdraw [**Doc. 321**] is **GRANTED**;
- (2) Attorney Bailey is **RELIEVED** of further representation of Defendant and **DIRECTED** to provide new defense counsel with the discovery and information from Defendant's file as soon as possible; and
- (3) Attorney Casey Sears is **SUBSTITUTED and APPOINTED** as counsel of record for the Defendant pursuant to the CJA.

IT IS SO ORDERED

ENTER:


Debra C. Poplin
United States Magistrate Judge